

Practitioner's Docket No. : MPI99-193CN2M

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

22141 U.S. PTO
10/767308



NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of
Inventor(s): Rosana Kapeller-Libermann, David White and Kyle J. MacBeth

For: 2786, A NOVEL HUMAN AMINOPEPTIDASE

1. Type of Application

This new application is for a(n)

- ☐ Original (nonprovisional)
- ☐ Design
- ☐ Plant
- ☐ Divisional.
- ☒ Continuation.
- ☐ Continuation-in-part (C-I-P).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10*

- ☐ with sufficient postage as first class mail. ☒ as "Express Mail Post Office to Address"
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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

(type or print name of person certifying)

Date: January 29, 2004

***WARNING:** Each paper or fee filed by "Express Mail" *must* have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. Section 1.10(b).
"Since the filing of correspondence under [Section] 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will *not* be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

2. Benefit of Prior U.S. Application(s) (35 U.S.C. Sections 119(e), 120, or 121)

- ☒ The new continuation application is a continuation of U.S. Application Serial No. 10/056,253, filed January 24, 2002, which is a continuation of U.S. Application Serial No. 09/443,795, filed November 19, 1999.

3. Maintenance of Copendency of Prior Application

- A. ☐ Extension of time in prior application
- B. ☐ Conditional Petition for Extension of Time in Prior Application

(complete this item, if previous item not applicable)

- ☐ A conditional petition for extension of time is being filed in the pending **prior** application.
- ☐ A **copy** of the conditional petition filed in the prior application is attached.

4. Abandonment of Prior Application (if applicable)

- ☐ Please abandon the prior application at a time while the prior application is pending, or when the petition for extension of time or to revive in that application is granted, and when this application is granted a filing date, so as to make this application copending with said prior application.

Notification in Parent Application of This Filing

- ☐ A notification of this continuation is being filed in the parent application from which this application claims priority under 35 U.S.C. Section 120.

5. Papers Enclosed

Required for Filing Date under 37 C.F.R. Section 1.53(b) (Regular) or 37 C.F.R. Section 1.153 (Design) Application

93 Pages of Specification, including
83 Pages of Description
9 Pages of Claims
1 Page of Abstract
9 Sheets of Drawings (Figure(s) 1A, 1B, 2-8)

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- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. Section 1.84(b).
- ☒ Formal
- ☐ Informal

6. Additional Papers Enclosed

- ☒ Transmittal of Information Disclosure Statement (2 pages) and Information Disclosure Statement (37 C.F.R. Section 1.98) (2 pages);
- ☒ Forms PTO-1449 (PTO/SB/08A and PTO/SB/08B) (3 pages)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☒ Copy of 7 pages of paper copy of Sequence Listing (37 CFR Section 1.821-1.823), as filed in the parent application, 4 pages of Submission of "Sequence Listing," Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy of the sequence listing from applicant's other application, namely; U.S. Application No. 09/443,795 filed November 19, 1999.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☒ Associate Power of Attorney (2 pages) and Statement of Limited Recognition under 37 CFR §10.9(b) for Mario Cloutier (1 page);
- ☒ Statement of Limited Recognition under 37 CFR §10.9(b) for Mario Cloutier (1 page)
- ☒ Other: Preliminary Amendment (5 pages);

7. Declaration or Oath (including power of attorney)

- ☒ (5 pages) Executed Combined Declaration and Power of Attorney was filed in prior application 09/443,795, a copy of which is enclosed.
- ☐ Not Enclosed.

8. Assignment

- ☒ A copy of the executed Assignments of the invention to Millennium Pharmaceuticals, Inc. is attached, together with a copy of the Transmittal Letter; and a copy of the Notice of Recordation of Assignment Document, as filed in the prior application 09/443,795 on March 27, 2000 at Reel 010716, Frame 0339 (12 pages).
- ☒ are enclosed.
- ☐ will follow.

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9. Fee Calculation (37 C.F.R. Section 1.16)

A. ☒ Regular application

CLAIMS AS FILED					
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R. Section 1.16(a) \$770.00
Total Claims (37 C.F.R. Section 1.16(c))	12	- 20 =	0	\$18.00	\$0.00
Independent Claims (37 C.F.R. Section 1.16(b))	5	- 3 =	2	\$84.00	\$168.00
Multiple Dependent Claim(s), if any (37 C.F.R. Section 1.16(d))	no	\$280.00			\$0.00

Filing Fee Calculation \$938.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

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10. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☒ Charge Account No. 501668 in the amount of \$938.00
A duplicate of this transmittal is attached.

11. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 501668.
- ☒ 37 C.F.R. Section 1.16(a), (f) or (g) (filing fees)
- ☒ 37 C.F.R. Section 1.16(b), (c) and (d) (presentation of extra claims)
- ☐ 37 C.F.R. Section 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☐ 37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to Section 1.136(a).
- ☐ 37 C.F.R. Section 1.17 (application processing fees)
- ☐ 37 C.F.R. Section 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. Section 1.311(b))

12. Instructions as to Overpayment

- ☒ Credit Account No. 501668.
- ☐ Refund

13. Maintenance of Copendency of Prior Application

The parent application (U.S. Serial Number 10/056,253 filed January 24, 2002) of the present application is currently pending.

January 29, 2004

MILLENNIUM PHARMACEUTICALS, INC.

By Mario Cloutier
Mario Cloutier
Limited Recognition Under 37 C.F.R. §10.9(b)
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